

DOMESTIC VIOLENCE HANDBOOK

Services for
Individuals, Couples, and Families

PREPARED BY
FAIRFAX COUNTY
NETWORK AGAINST FAMILY ABUSE

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FAIRFAX COUNTY NETWORK AGAINST FAMILY ABUSE

Domestic violence is a major social problem facing our society. Domestic violence affects everyone. It is a personal tragedy for those who experience its devastating effects. The Fairfax County Network Against Family Abuse (NAFA) is a group of representatives from agencies throughout the County that assisted victims and pledge to work toward ending domestic violence. This handbook was prepared by the Network and addresses the questions most commonly asked by the people they serve.

Participating Members 2003

Anger and Domestic Abuse Prevention and Treatment (ADAPT)
Brain Injury Services
Center for Multicultural Human Services (CMHS)
Christian Relief Services
Emmanuel Lutheran Church
FACETS
Fairfax County Alcohol and Drug Services
Fairfax County Commission for Women
Fairfax County Department of Housing and Community Development
Fairfax County Department of Family Services, Adult Protective Services
Fairfax County Department of Family Services, Child Protective Services
Fairfax County Department of Systems Management for Human Services
Fairfax County Juvenile and Domestic Relations Court
Fairfax County Office for Children
Fairfax County Office for Women
Fairfax County Office of the Commonwealth Attorney
Fairfax County Office of the Magistrate
Fairfax County Office of the Sheriff
Fairfax County Police Department
Fairfax County Public Schools
Fairfax County Victim Assistance Network (VAN)
Fairfax County Victim Services Section, Police Department
Fairfax County Women's Shelter
Fairfax-Falls Church Community Service Board (CSB)
Foundation for Appropriate and Immediate Temporary Help (FAITH)
George Mason University (GMU)
Hispanic Committee
League of Women Voters
Legal Services of Northern Virginia
Opportunities, Alternatives and Resources (OAR)
Reston Interfaith
Shelter House
United Community Ministries (UCM)
Vienna Police Department
Washington Plaza Baptist Church

Network Against Family Abuse Domestic Violence Handbook

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I. WHAT IS FAMILY ABUSE/DOMESTIC VIOLENCE?

1. What is family abuse/domestic violence?

“Family abuse” is any act involving violence, force, or threat, including any forceful detention, that results in physical injury or places one in reasonable apprehension of bodily injury and that is committed by a person against such person’s family or household member. Domestic violence is any act of violence, including physical, sexual, or verbal abuse, harassment, threats of harm, or forceful detention against one person by another in a relationship. The abused person usually has less control and fewer options than the person using violence or threats. Domestic violence occurs between married, non-married, and same sex partners as well as between members of the same family or household.

2. How do I know if I am being abused?

You are being abused if you receive or are threatened with physical injury or unwanted sexual activity. Physical abuse may include pushing, shoving, and slapping, as well as other assaultive behavior. If you are denied living necessities such as food, shelter, or personal belongings, or your personal freedom to live in society is being restricted you are being abused. If you are frequently criticized, put down, or made to feel responsible for other people’s mistakes you are being abused.

3. Does family abuse happen to many people?

Unfortunately, domestic violence is common. Statistics show that every nine seconds a woman is abused in the United States, and more than 3.3 million children witness family abuse every year. Domestic violence crosses all boundaries. It occurs in families of all nationalities and all socioeconomic backgrounds. People tend to hide it because it is embarrassing to admit to such problems in a relationship or because they feel that they have no options. Domestic violence needs to be brought into the open, and all household members involved should seek help to break the cycle, particularly because of the negative effects domestic violence has on children.

4. **If I am being abused, how do I keep myself safe?**

If you are a victim of family abuse, you need to develop a safety plan. Here are some things to consider when developing your safety plan:

- Keep a bag of essentials in a place where the abuser cannot find it. In this bag, you should keep cash, change for a phone call, important documents (such as birth certificates, immigration papers, marriage certificate, copies of the abuser's bank statement/pay stubs, and tax returns), clothing, car keys, and a cell phone if you have one.
- Plan an escape route. Have a plan developed in case you have to leave the home quickly (e.g., through a window or side door). If you have children, be sure they are aware of the escape route.
- Keep important phone numbers with you at all times. These should include the domestic violence hotline and the numbers of domestic violence shelters.
- Have a place to go. Be sure to talk to a friend or relative, or contact a safe shelter in the event that you need a place to go.

Plan to take your children when you leave. If you leave without your children, you may not be able to obtain custody of them and you will give the abuser an opportunity to continue to exert control over you. It is very important that you keep the children with you.

II. WHO CAN HELP ME?

1. **What if my children are being abused?**

Report the incident as soon as possible to **Child Protective Services at (703) 324-7400 (24-hour hotline)**. Your complaint may be investigated by a social worker from the Department of Family Services. You must take steps to protect your children from the abuse, which may require a separation from the abuser. If Child Protective Services determines an investigation is warranted, it will begin immediately. If you wish to file criminal charges, appear in person at a Magistrate's office. Bring the child/children with you so they may speak directly with the Magistrate as well.

2. **What should I do in an emergency situation?**

If you are in immediate danger, **call 911**. The Fairfax County Police Department will dispatch police officers to the scene. The police will investigate and arrest the primary aggressor(s) if there is probable cause to believe a crime has been committed (unless special circumstances exist), taking them into custody and before a Magistrate. The police will also request that the Magistrate issue an Emergency Protective Order, which is discussed later in this handbook. In some cases, the police

may advise victims to go directly to the Magistrate's Office to seek a warrant or may accompany them to the station while the offender is placed under arrest.

The arrest of the primary aggressor and request for Emergency Protective Order will occur regardless of whether or not the victim wishes to press charges. If an officer files charges related to the domestic assault, you will receive a subpoena to appear in court as a witness.

If the Police have not filed charges, you may appear in person and request an assault and battery warrant from a Magistrate. A warrant will be issued if the Magistrate determines there is probable cause to believe a crime has been committed against you. You may also go to the Juvenile and Domestic Relations District Court to file for a **Civil Protective Order** so that the abuser will have no contact with you until you've had a full hearing. (See Question III 2(c) How Do I request a Protective Order)

For serious injuries dial **911**; for other injuries see your own physician. The physician's report should indicate that you reported that the injury was caused by a domestic assault. Obtain a copy of the physician's report for your records and bring it to court with you. Have someone take photos of any visible injuries with the best camera available. Have the photographer write the victim's name, the date the pictures were taken and the photographer's name on the back of all pictures and bring them to court with you. The Victim Assistance Network, the Fairfax County Women's Shelter, and the Victim Services Unit of the Fairfax County Police Department have resources for taking photographs of your injuries.

3. **Where can I go if I am afraid to stay at my home or afraid to go back to my home?**

The **Fairfax County Women's Shelter** offers housing and counseling services to women who are in need of safe refuge because of domestic violence. Children may accompany their mothers to the shelter. The shelter location is confidential to protect those who reside there. All services are free. If necessary, transportation can be provided. **Call the 24-hour crisis line at (703) 435-4940.** Fairfax County Police Department's **Victim Services Section** operates "**Someplace Safe**" - a **24 hr. support resource for victims of domestic violence**. Victims are provided immediate protection, shelter, crisis support, counseling, and information and resources regarding the criminal justice process until long-term shelter accommodations become available. **Telephone (703) 246-2141, or after 4:30 p.m. at (703) 691-2131.**

4. **How can I locate shelter services?**

Bethany House of Northern Virginia at (703) 998-8811 provides safe housing, food, clothing, and emotional support for women and their children. Services address the longer-term needs of single parent families in transition by maintaining three shelters and community placement programs. Clients are helped to regain their health and dignity.

The **Safe Places & Homes for the Homeless Program (703) 550-2472** provides traditional housing to families who are determined to safeguard their well being and move towards self-reliance in homes free from violence. Participating families, who have a protection order, can live in one of the units for up to two years. Residents pay a service fee equal to 30% of their income. Safe Places provides case management, individual and group counseling to women and their children.

United Community Ministries Journeys Supportive Housing Program, (703) 768-7106, provides transitional housing to families fleeing a domestic violence situation. Families are placed in apartments for up to two years with the goal of obtaining permanent housing at the end of this period. The head of household must have children under the age of 18, live or work in Fairfax County, and meet the HUD guidelines for homelessness. Journeys provides case management, life skills instruction, advocacy, and financial assistance to participating families.

The **Victim Assistance Network (VAN) at (703) 360-7273 or TTY (703) 799-8253** and the **Northern Virginia Hotline at (703) 527-4077** can help you find alternative shelter resources.

You may be eligible for emergency housing assistance from the **Department of Housing and Community Development**. You must apply in person. Offices are open between 8:00 a.m. and 4:30 p.m. Monday through Friday. **Call (703) 324-7500** for an appointment.

5. **What services are offered at the Fairfax County Women's Shelter?**

The Fairfax County Women's Shelter offers safe, temporary, emergency housing (up to four weeks) for women fleeing physical abuse from their partners. The shelter provides counseling and education on domestic violence and referrals for ongoing housing, legal assistance, childcare, and other community resources. Staff can accompany shelter residents to court during their stay at the shelter. All services are free. Space is limited.

6. **Where can I go for counseling?**

The **Fairfax County Victim Assistance Network (VAN)** offers anonymous, free help for women and men who are domestic abuse victims. You may call the 24-hour hotline at **(703) 360-7273, TTY (703) 799-8253 (weekdays only)** for more information on your legal rights, counseling services, support groups, and shelter referrals, or to talk about problems you are facing. VAN's trained volunteers (women and men) work as advocates and counselors for domestic abuse victims. VAN's hotline counselors can help you examine your options and assist you in making choices. VAN also can give you referrals to mental health professionals for counseling.

If you have contact with the Juvenile and Domestic Relations Court and are referred by the Court, you are eligible for free counseling services through the Court's **Family Systems Counseling Program**. For more information call **(703) 246-2204**.

You may also contact the **Women's Center of Northern Virginia** at **(703) 281-2657**, your local mental health center, or a private therapist. If you go to the **Fairfax County Women's Shelter**, counseling services are provided free for all Virginia residents.

7. **What is a support group and how can it help me?**

A support group brings together people with similar concerns in a safe environment and allows them the opportunity to break through the isolation and loneliness that is so often present in abusive homes. Group members can openly discuss their concerns with other people who understand, and together they share the work of deciding on options. **Victim Assistance Network (VAN)** offers several support groups throughout the County for female victims. Call the hotline at **(703) 360-7273** or **TTY (703) 799-8253** for the locations and starting dates.

8. **What counseling services are available for children who have witnessed family abuse?**

Each Community Mental Health Center has specialized services for children, adolescents, and their families. Contact the Center serving your area. If you have private insurance you may want to call the insurance mental health component of your insurance agency and ask for referrals of counselors who work with children who have witnessed domestic violence.

South County Center
8350 Richmond Highway
Alexandria, VA 22309
703-704-6355

Northwest Center
1850 Cameron Glen Drive
Suite 600
Reston, VA 20190
703-481-4100

Woodburn Center
3340 Woodburn Road
Annandale, VA 22003
703-573-0523
Chantilly Satellite Office
14150 Parkeast Circle
Suite 200
Chantilly, VA 20151
703-968-4000

Route 1 Satellite Office
8850 Richmond Highway
Alexandria, VA 22309
703-799-0300
Springfield Satellite Office
8348 Traford Lane
Suite 400
Springfield, VA 22152
703-866-2100

9. **What assistance is available other than counseling?**

Fairfax County Department of Family Services (DFS) may offer financial assistance for families with minor children (**AFDC/TANF**), Food Stamps, medical assistance, day care, foster homes for children, and emergency assistance for rent, utilities, and food. General relief may also be available for persons without children who are unable to work due to temporary disability or illness. You will need to meet eligibility requirements for these programs. Call **(703) 324-7500** to set up an appointment at the DFS office closest to your home.

10. **What do I need to bring to apply for services from the Department of Family Services?**

- Identification for yourself and your children (e.g. birth certificate, driver's license)
- Social Security card or applications for Social Security cards for everyone (adults and children); spouse's Social Security number. If spouse is military, provide his/her rank and the name of his/her commanding officer

- Verification of bank accounts and other resources, such as life insurance policies (e.g. name of company, policy number and amount)
- Verification of any and all household income.
- Marriage Certificate
- Divorce Decree or Death Certificate if appropriate
- Green Card if legal alien.

11. My spouse/partner says he wants help to change his behavior. Where can he go?

An individual who has been physically or psychologically abusive to his/her adult partner may enter a local certified batterer intervention program (BIP). BIPs offer more appropriate & comprehensive services than anger management programs. BIPs may offer anger management services as part of their curriculum, but they go far beyond anger management to address other issues. These issues include, but are not limited to intervention, attention to substance abuse, emotional abuse, intimacy, parenting skills, gender roles, communication, and conflict resolution. Certified BIPs meet state standards and offer ongoing appraisal of your partner's progress, if requested. There are three certified BIPs in Fairfax County. Each program has intake and group fees.

Individuals who are court ordered or self-referred are required to go for an intake to one of the certified BIPs. At intake the program staff will assess whether the individual can benefit from the program and assess the need for additional services. While different BIPs may follow different models, they all offer the full range of services for the required program length of 36 hours over a minimum 18 weeks.

ADAPT: Anger and Domestic Abuse Prevention and Treatment
(A program of the Fairfax-Falls Church Community Services Board)

Woodburn-Annandale (703) 207-7730

Mt. Vernon-Alexandria (703) 799-2723

Chantilly (703) 481-4230

Center for Multicultural Human Services (CMHS)

Falls Church: (703) 533-3302

Note: Offers Hispanic Man's Program (group) and BIP services in Vietnamese (group) as well as BIP services for other languages (group or individual).

Violence Intervention Program

(A program of Opportunities, Alternative and Resources of Fairfax County (OAR))

Fairfax or Mt. Vernon (Alexandria): (703) 246-3033

12. **My spouse/partner and I want to work together to resolve the problems. Are there counseling services available for couples?**

In general, it is suggested that a couple begin treatment only *after* the individual with the identified abuse problem has at least partially completed the BIP. This is true particularly if there has been physical abuse or where there is fear on the part of partners or family members, or both. In these cases, it is important that couples' treatment be delayed until (1) family members feel safe and (2) the identified abuser has learned how to regulate thoughts, feelings, and behavior to prevent further acts of abuse. Two programs that do work with couples where there has been prior abuse and at least partial completion of a certified BIP are listed below:

Fairfax Juvenile and Domestic Relations Court, Family Systems Unit, Fairfax, offers a *Conflict Resolution for Couples Seminar* for individuals currently involved with this court. Please call (703) 264-2204 for more information.

Virginia Tech Center for Family Services in Falls Church offers a *Couples' Conflict Group*. The program is not a certified BIP and therefore does not serve individuals court ordered to complete a BIP. However, the program does offer couples who are not court referred an opportunity to work together on problems. Also, an abuser who has completed a BIP but would like to work to develop skills in a couples context—provided the partner desires this and gives her full consent—may find this program useful. Please call (703) 538-8470 for more information.

13. **Are there counseling and anger management programs for non-English speaking individuals?**

Yes, the **Center for Multicultural Human Services (CMHS)** offers a certified BIP to the limited "English" speaking population of Northern Virginia. These services may be available in Spanish, Vietnamese, Korean, Cambodian, Farsi, French, Thai, Lao, Arabic, German, Portuguese, and other languages. The center provides individual and group counseling in the above languages. All services are offered on a sliding scale basis. Call **(703) 533-3302** to request more information.

14. **I am a teenager who lives in Fairfax County. My father is physically abusive to my mother, but does not hit me. What can I do? Who can I talk to about this situation?**

Help is available for you by phone 24 hours a day. You may call the **Victim Assistance Network (VAN)** hotline at **(703) 360-7273**, TTY **(703) 799-8253** to talk to a trained volunteer. You do not need to give your name or your parents' names.

You may also call the **Child Protective Services (CPS)** hotline at **(703) 324-7400** to discuss your situation with a social worker. Depending on the seriousness of your case, a **CPS** worker may conduct an investigation and take appropriate action.

If you are experiencing difficulties due to family problems, you can talk to your guidance counselor at school. The guidance counselor may choose to refer you to the school's social worker or psychologist. Counselors, school social workers, and psychologists are trained to conduct individual and group counseling sessions. In

addition, they can advise parents and students of community agencies and services that are available for help with particular problems, such as domestic violence. The information shared by a student or parent is confidential **except** if he/she or anyone in the home is in danger of being injured. All school personnel are required by law to report any suspected abuse or neglect of any student under age 18.

For further information concerning resources in **Fairfax County Public Schools**, contact the **Department of Student Services** at the following **Area Administrative offices** Monday through Friday, from 8:00 a.m. to 4:30 p.m.:

Area I
6520 Diana Lane
Alexandria, VA 22310
(703) 329-2500

Area II
10515 School Street
Fairfax, VA 22030
(703) 246-8100

Area III
2334 Gallows Road
Dunn Loring, VA 22027
(703) 204-3800

15. **I suspect that an elderly neighbor is being physically abused by his/her spouse or child/children. What can I do?**

If an adult over age 60 or a mentally or physically disabled person over age 18 is being abused, neglected, or exploited, **Adult Protective Services** of the **Department of Family Services** is required to investigate. Call **(703) 324-7450** to make a report.

16. **How can I learn more about family abuse?**

Domestic violence is a major social concern. Most agencies that offer services also provide speakers and community education to schools, churches, and private and professional organizations. If you are interested in engaging a speaker or need more information, see the programs listed under **Resources**.

III. WILL THE POLICE AND THE COURT SYSTEM PROTECT ME?

1. **What are my legal options if I am being abused?**

You have several legal options if you are being abused. You can (a) file for a civil Protective Order; (b) call the police or contact the magistrate to request that a warrant be issued for the arrest of the abuser; or (c) do both of the above.

2. **Tell me about Protective Orders:**

- a. **What do I need to show in order to obtain a Protective Order?**

To obtain a Protective Order, you will need to show that an act of family abuse has occurred. Family abuse is defined as “any act involving violence, force, or threat, including any forceful detention, that results in physical injury or places one

in reasonable apprehension of bodily injury and that is committed by a person against such person's family or household member."

A family or household member is defined as:

- Current Spouse, former spouse, parents, stepparents, children, stepchildren, brothers, sisters, grandparents, and grandchildren regardless of whether such persons reside in the same home together;
- any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together anytime;
- any individual who cohabits or who, within the previous 12 months, cohabited with the person; and
- mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, who reside in the same home with the person.

If you feel you are being abused but are not sure that you meet the legal definition necessary to obtain a Protective Order, please consult the juvenile court, the police, the magistrate's office, or an attorney to discuss your options.

b. What can a Protective Order do?

Both a **Preliminary Protection Order (PPO)** and a **two-year Protective Order (PO)** can contain the following conditions:

- Prohibit any further acts of family abuse.
- Limit or prohibit contact between the offender and victim.
- Limit or prohibit contact between the offender and any children or household members.
- Require the offender to vacate the home immediately or stay away from the victim's new residence
- Grant the victim possession of the home or provide suitable alternative housing for the victim and any children/family members in the household.
- Grant the victim temporary possession or use of the motor vehicle jointly owned by the parties or solely owned by the victim to the exclusion of the alleged abused person. (No such possession shall affect the title to the vehicle.)

In addition to the above, a **two-year Protective Order** may include the following:

- Require the respondent to complete an anger management program and/or register for mental health or substance abuse services.
- Require the offender to pay for the victim's attorney's fees;
- Set forth any conditions or restrictions necessary for protection of the victim and any children.
- Grant temporary custody of the children or temporary visitation of a minor child.

A VIOLATION OF A PROTECTIVE ORDER IS A CRIMINAL OFFENSE AND WILL BE PROSECUTED!

A protective order is a legal document and offers no guaranteed protection. You need to be aware of your own safety and take steps to protect yourself. For further information about safety you can contact Virginians Against Domestic Violence (**VADV**) at 1 (800) 838-8238 or visit their website, www.vadv.org.

c. **How do I request a Protective Order?**

Fairfax County residents may file a petition for a Protective Order at no cost at Fairfax County **Juvenile and Domestic Relations Court (J&DR)** 4000 Chain Bridge Road, Room 2500, Fairfax, VA 22030 (the Old Courthouse). **First, call (703) 246-3040** to schedule an appointment, to ensure Court staff will be available to assist you.

City of Falls Church residents may file at the **Falls Church Court Services Unit**, 200 Little Falls Street, Falls Church, VA. **Call (703) 241-7630** for more information.

d. **What happens after I file for a Protective Order?**

After filing written testimony with an intake officer, your case is immediately sent to a judge while you wait outside the courtroom. The judge determines whether or not to issue a temporary restraining order, called a **Preliminary Protective Order (PPO)**. If the judge approves your request, a date for a full hearing is scheduled within 15 days, and the PPO is sent to the sheriff the next business day to be served to the offender in person.

Normally, it may take anywhere from less than 24 hours to 3 to 4 days or more for the offender to be located to be given the order. **The PPO does not go into effect until it is served in person to the offender.** If the offender has been served in Fairfax County, to find out if the PPO has been served you may call **(703)-246-3227**.

When you apply for a Protective Order, you must provide correct home and work addresses of the offender. At the time you apply, you will be given a date to appear in court. You must return to Court for the PO on the designated date in order to request the court to extend the (PPO) Preliminary Protective Order for a period up to two years.

e. **Do I have to hire an attorney to represent me in the Protective Order hearing?**

In Protective Order cases, the Commonwealth Attorney's Office will not be involved, as the petition is a civil matter, not a criminal matter. It is in your best interest to seek legal advice, particularly if you believe your partner will have an attorney. If you are financially unable to hire an attorney for representation in Protective Order cases, you may qualify for a pro-bono (free) attorney through **Legal Services of Northern Virginia (LSNV)**. Fairfax County residents may call the main branch in Falls Church at **(703) 532-3733** for an appointment.

f. **What type of evidence should I bring to court?**

Bring any medical records and photos of any injuries. You may ask or subpoena any adults who witnessed the incident(s) or saw your injuries to appear in court with you. If your case will be heard in Juvenile and Domestic Relations Court (J&DR), requests for witness subpoenas can be obtained and filed at the Clerk's Office, 4000 Chain Bridge Road, Room 1305, First Floor, Fairfax, VA 22030 (the Old Courthouse). Requests for subpoenas must be filed at least 10 days prior to the court date.

g. **What do I do once I obtain a Protective Order?**

When you get a Protective Order, you should keep a copy with you at all times. You should keep a copy in your purse, in your car, at home, and at work. Everywhere you go, you should have access to a copy of the protective order. In addition, if you have children, you should keep a copy of the Protective Order at their school(s) and/or their day care provider(s). You should also inform your employer, family and closest friends.

3. **Tell me about Criminal Charges/Warrants:**

a. **How can I obtain a warrant?**

- You must appear in person before a Magistrate and report the incident. If a Magistrate determines that there is probable cause to believe an assault has been committed, either against you or your children, a warrant will be issued. The offender may be arrested or he/she may simply be given a summons to appear in court to answer the charge.
- You should appear before a Magistrate as soon as possible after an incident occurs. If you are afraid that your spouse/partner may retaliate against you for filing charges, inform the Magistrate and ask him/her to impose a **no contact order**, as a condition of the offender's release, or issue an Emergency Protective Order, valid for 72 hours, which allows you time to petition for a Preliminary Protective Order from J&DR Court. This request may or may not be granted. Seek shelter housing if necessary to ensure your safety. (See Question II. 4. How Can I Locate Shelter Services)

b. **Where do I go to file for a warrant?**

You must file a warrant where the crime occurs. If the assault occurred in Fairfax County, you must appear before a Magistrate within Fairfax County. The **Magistrate's Offices at the following locations are open 24 hours a day:**

Fairfax County Adult Detention Center 10520 Judicial Drive Fairfax, VA 22030 (703) 246-2178	Mount Vernon Governmental Center 2511 Parkers Lane Alexandria, VA 22306 (703) 780-8580
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A Magistrate (on video) may also be available on a limited basis at the location below. Call first. If there is no answer, go to either location above.

Mason Government Center

6507 Columbia Pike
Annandale, VA 22003
(703) 256-8035

If the incident occurs in the **City of Falls Church**, you must file at the Magistrate's Office in Arlington County.

Arlington Magistrate's Office

2020 N. 15th Street
Arlington, VA 22201
(703) 228-3962

c. **What will the abuser be charged with?**

Whatever the magistrate deems appropriate based on the information you have provided. Typical charges include, but are not limited to the following: assault and battery, telephone threat and stalking. If the abuser is charged, the charge will show up on a police record.

d. **What will happen after the abuser is arrested?**

The Magistrate on duty sets bond and release conditions when the offender is arrested. The offender may be released immediately on a Personal Recognizance (PR) bond without having to post any money and may not be required to stay away from you. In other cases, the offender may be required to post a nominal bond prior to his/her release and/or be ordered to refrain from contact with you. If the offender cannot make bond, he/she is held until the next day court is in session. The offender will then have a hearing before a judge, where bond conditions may be changed.

Individuals who are intoxicated when they are brought before the Magistrate may be jailed until they are sober.

e. **How do I find out the status of the bond?**

If the offender is already in custody or has just been served with the warrant, call the local Magistrate's Office to find out what type of bond has been set. They will be able to tell you whether or not the defendant has been released and whether he/she has been ordered to have no contact with you. You may call the Adult Detention Center at **703 246-2100** for bond information.

f. **Do I have to hire an attorney to represent me in the criminal hearing?**

In the State of Virginia, the Commonwealth's Attorney's Office is not required by law to prosecute or get involved with misdemeanors, including simple assault charges. Thus, a Commonwealth Attorney on a domestic assault case may not

represent you if the defendant does not have an attorney. You need to be prepared to present your case on your own. If the defendant has an attorney, an attorney from the Commonwealth's Attorney's Office will assist you and prosecute your case. (See question III. 2(f). What type of Evidence Should I Bring to Court).

g. What type of evidence should I bring to court?

Bring any medical records and photos of any injuries. You may ask or subpoena any adults, who witnessed the incident(s) or saw your injuries, to appear in court with you. If your case will be heard in Juvenile and Domestic Relations Court (J&DR), requests for witness subpoenas can be obtained and filed at the Clerk's Office, 4000 Chain Bridge Road, Room 1305, First Floor, Fairfax, VA 22030 (the Old Courthouse). Requests for subpoenas must be filed at least 10 days prior to the court date.

h. What is a Peace Bond?

A **Peace Bond** is an agreement between the defendant and the Commonwealth of Virginia, sworn before a judge to the effect that the offender will abide by certain conditions in addition to his/her general good behavior and keeping of the peace for a period of one year. These conditions may prohibit or limit contact between the parties or require the defendant to refrain from any violence toward the complainant. For example, the defendant may be ordered to have no contact with his wife except to exchange the children for visitation.

The defendant enters into a Peace Bond by **agreement** with the Commonwealth's Attorney. If the conditions of the bond are violated and this is proven at a subsequent hearing, the Bond is forfeited. A Peace Bond is usually issued as an alternative to prosecution of an assault warrant.

i. How do I request a Peace Bond?

You must initially obtain a criminal warrant from a Magistrate, who will provide you with a court date. At the court hearing, you need to request a Peace Bond from the Commonwealth's Attorney or the presiding judge. The defendant has the option to refuse to enter the Bond. If the defendant agrees, the court may enter a Peace Bond and the charge is nolle prosequed (not prosecuted). **NOTE: Peace Bonds have limited effectiveness in cases where there is a history of continued physical violence in the home.**

4. If I do not want my abuser to be arrested, but I am fearful that he will harm me, what should I do?

You may apply for a **Protective Order** at the Juvenile and Domestic Relations Court. A Protective Order is a civil action, which requires the offender to abide by certain conditions. These orders may require him/her to leave the home and stay away from the home or from the victim's residence. The court may also order that you have sole use of the family car if it is titled jointly or solely in your name. (See question III. 2(a). What do I Need to Show to Obtain a Protection Order).

5. **What is the difference between a warrant and a Protective Order?**

An assault warrant is a misdemeanor offense punishable by a maximum of one year in jail and/or a \$2,500 fine. If found guilty, the defendant may have fines and/or jail time or these may be suspended, conditioned upon no further acts of abuse and/or no contact with the victim and/or completion of substance abuse programs or other counseling programs. By request, the warrant may also be nolle prosequied (not prosecuted) and a **Peace Bond** may be issued.

Unlike an assault warrant, a petition for a **Protective Order** is a civil rather than a criminal action. The offender is not arrested and is not fined or sent to jail if the court makes a finding of abuse. At the full hearing, the court may continue or may modify the conditions of the Preliminary Protective Order. In addition, the offender can be ordered to participate in counseling. A Protective Order may be valid for a period of up to two years. **A violation of any condition of a Protective Order is a criminal offense, and the offender can be arrested for the violation.**

6. **I am separated from my abuser, but he keeps calling me, following me, and making threats to harm me. What can I do?**

The first thing you should do is call the police. The police may be able to make an arrest based on the evidence. You should also contact the Magistrate immediately at (703) 246-2178. Depending on the circumstances, you may be able to file telephone harassment, stalking or other criminal charges. If you obtain a warrant for stalking against a family member, you may file for a Stalking Protective Order with the Fairfax Juvenile Court. Call (703) 246-3040 to schedule an appointment to assure that the Court staff will be able to assist you. A Stalking Protective Order can only be requested if a stalking warrant was issued. If you obtain a warrant for stalking against a non-family member, you may file for a Stalking Protective Order in General District Court. **If you have not filed a Protective Order, then you should do so immediately. If you have a Protective Order, then you should report the violation of the Protective Order.**

Also, keep a diary or journal to record the incidents of abuse. Include names of individuals who may have witnessed the abuser's actions against you. Keep any notes in a safe place.

7. **I am fearful that my abuser will retaliate against me for filing criminal charges or for filing for a Protective Order. Can I get someone to accompany me to court?**

Yes. The **Victim Services Section of the Fairfax County Police Department** provides crisis intervention, court assistance, and other support services to crime victims and witnesses. This includes child victims of sexual assault and abuse, as well as adult victims of felonies and serious misdemeanors involving injury or death. **Call (703) 246-2141.**

Fairfax Juvenile and Domestic Relations Court has a Court Companion Program, where trained volunteers will meet you at the courthouse and escort you through the Court process. For a **Court Companion**, call **(703) 246-2832**.

8. **My abuser refuses to let me back in the home. Is there any action I can take?**

Unless a Protective Order has prohibited you from entering the home, you have an absolute right to enter the residence if you are married. If you are not married and your name **is** on the lease or the deed to the property and there is **no** Protective Order banning you from the property, you also have the right to enter the residence.

Although the Police may be available to stand by to prevent possible violence at the residence, they do not have the authority to force your spouse/partner to allow you to enter. If any criminal offenses are committed in their presence, the officers will take appropriate enforcement action.

In certain situations, victims of domestic violence need to return to their home to retrieve necessary items. Victims should utilize the services provided by the Fairfax County Police, Victim Services Section. If the need arises after hours, contact your local police station.

9. **How can the court help me obtain treatment for my abuser who has a serious drinking problem and gets violent after drinking heavily? He/she refuses to go to counseling.**

You may file a petition for a Protective Order with the written request that your spouse/partner be court ordered to participate in an alcohol or drug treatment and/or counseling program. If possible, specify a particular agency or program in your request. You may also request that mandatory substance abuse counseling be included as part of sentencing on a criminal charge such as simple assault. For information regarding counseling services, call **Fairfax/Falls Church Community Services Board Alcohol and Drug Services (ADS) at (703) 359-7040**. If the abuser does not comply with the court order then that may be considered a violation of the Protective Order.

10. **My spouse/partner is not a citizen of the United States. If he is arrested or if I file for a Protective Order against him, will he be deported?**

When an individual does not have legal status in the United States, there is always a possibility of deportation. The Immigration and Naturalization Service (INS) conducts random checks. Therefore, if your abuser is arrested and charged, or if a Protective Order is issued against him, there is a possibility that he will be deported. For specific questions or a further explanation, you should contact an immigration attorney.

11. **My spouse/partner is my sponsor for residency in the United States. If he is arrested or if I file for a Protective Order against him, will I be deported?**

No, you will not be deported. In fact, if you are a victim of domestic violence and you do not have legal residency, you will be in a better position if you do file for a

protective order and/or press criminal charges. Abusers often threaten to report victims to INS in an effort to discourage them from calling the police. Under the Violence Against Women Act, you can self-petition for residency if you can show that you are a victim of domestic violence. To further discuss your options, please contact Just Neighbors Ministry at (703) 978-1240.

12. **I have a Protective Order against my spouse/partner in Virginia. If I move to another state, will the Virginia Protective Order still be effective?**

Yes, it will still be effective. You should take a certified copy of the Protective Order to the appropriate agency in that state for registration. (You should start with the juvenile court or the sheriff's department.)

13. **If I have a Protective Order from another state and I move to Virginia, will my Protective Order still be valid in Virginia?**

Yes, it will still be effective. You should obtain a certified copy from the jurisdiction that entered the Protective Order. Then, you need to contact the Juvenile and Domestic Relations District Court, Domestic Relations Services at (703) 246-3040 to register the Protective Order in the Virginia system.

Resources

ADAPT Northwest Center for Community Mental Health 14150 Parkeast Circle Suite 200 Chantilly, VA 20151 (703) 968-4000 (703) 471-6096	<ul style="list-style-type: none"> • Certified BIP (psycho-educational groups for male abusers) • Conflict resolution groups for couples • Counseling and referrals • Speakers available
Alcohol and Drug Services-Fairfax/Falls Church CSB 3900 Germantown Road Fairfax, VA 22030 (703) 359-7040 Assessment and Referral Center 10388 Democracy Lane Fairfax, VA 22030 (703) 352-0166	<ul style="list-style-type: none"> • Substance abuse evaluations and treatment programs • Counseling for families, individuals, groups, couples and children • Community outreach speakers
Center for Multicultural Human Services 701W. Broad Street, Suite 305 Falls Church, VA 22046 (703) 533-3302	<ul style="list-style-type: none"> • Men's Anger Management Program • Certified BIP • Support groups for wives/girlfriends in Spanish • Individual, couple and family counseling in Spanish • Housing assistance for eligible families • Other languages available (e.g. Vietnamese, Korean, French, Farsi, Arabic)
Fairfax County Animal Control 4500 West Ox Road Fairfax, VA 22030 (703) 691-2131	<ul style="list-style-type: none"> • Investigates suspected animal abuse • Collaborates with police department in family abuse cases • Community outreach and education
Fairfax County Dept. of Family Services Child Protective Services 12011 Government Center Parkway Fairfax, VA 22030 CPS/Local (703)324-7400 CPS/ toll free 1-800-552-7096 Adult Protective Services 10388 Democracy Lane Fairfax, VA 22030 (703) 324-7500	<ul style="list-style-type: none"> • Investigates child abuse complaints (CPS) • Investigates adult abuse complaints (APS) • Financial assistance • Community education and consultation
Fairfax County Human Services Coordinated Services Planning (703) 222-0880 (703) 803-7914 TDD (703) 631-3366 in Spanish	<ul style="list-style-type: none"> • Information and referral for obtaining food, clothing, housing and transportation • Information on care of children, elderly relatives and persons with disabilities • Information on health care services • Information on job training, employment , education, legal assistance and English for speakers of other languages

Fairfax County Juvenile and Domestic Relations Court (Old Courthouse) 4000 Chain Bridge Road (Room 2500) Fairfax, VA 22030 (703) 246-3040	<ul style="list-style-type: none"> • Protective Orders • Custody and child/spousal support filings • Info. on court options and legal procedures • Free counseling for court involved families
Fairfax County Police Department 4100 Chain Bridge Road Fairfax, VA 22030 (703) 246-4284	<ul style="list-style-type: none"> • Call in emergency situation • Violation of Protective Order • After hours to enter residence
Fairfax County Women's Shelter Mailing address: Northwest Center for Community Mental Health 1850 Cameron Glen Dr. Suite 600 Reston, VA 20190 (703) 435-4940 (24 hour crisis line) (703) 435-4940 (TDD)	<ul style="list-style-type: none"> • Safe, confidential housing for women and children fleeing physical domestic violence • Crisis intervention counseling • Domestic violence education • Court advocacy • Referrals • Community education and consultation
Fairfax County Office for Women Commission for Women 12000 Government Center Parkway Suite 318 Fairfax, VA 22035 (703)324-5730 TTY 703-222-3504	<ul style="list-style-type: none"> • Advocacy for women and girls in Fairfax County • Information and referrals • Separation and divorce fact sheets • Career and business ownership resources and programs • Women's resource library
FAITH (Foundation for Appropriate and Immediate Temporary Help) Social Services 500 Grove St., Suite 210 Herndon, VA 20170 (571)323-2198 Email: info@faithus.org	Provides humanitarian aid to those in need who live in Northern Virginia communities. Initiatives include: <ul style="list-style-type: none"> • Helping Hands Financial Assistance • Services for the elderly • Congregational Health Ministry • Safe and Peaceful Families (Domestic Violence Prevention Program) • Meals on Wheels • Job Skills • Services for the homeless and refugees • Services for widowed and divorced women • Services for the sick • Burial expenses • Counseling • Car distribution • Thrift Store
Fort Belvoir Family Advocacy Program Army Community Services 1169 Middleton Road Fort Belvoir, VA 22060 (703) 805-2631 or (703) 805-3436 (703) 805-1104 Military Police (24 hours)	<ul style="list-style-type: none"> • Information and referral • Crisis intervention • Parenting, couples counseling, community education • New parent support group • Prevention through Anger Control and Education Program (PACE)

Hispanic Committee of Virginia 5827 Columbia Pike, Suite 200 Falls Church, VA 22041 (703) 671-5666 ext. 0	<ul style="list-style-type: none"> • Counseling and referrals • Informational workshops for victims of domestic violence • Support groups for victims of domestic violence • Affordable immigration services • Emergency assistance and crisis intervention
Fairfax County Human Services Resource Guide www.fairfaxcounty.gov/rim	The Human Services Resource Guide (HSRG) is a computerized database of public, non-profit and some for-profit human services available to Fairfax County residents. The HSRG contains a variety of information on organizations including detailed organization and service descriptions, eligibility criteria, service locations, hours of operation, languages on staff, income guidelines, etc.
Legal Services of Northern Virginia 4080 Chain bridge Road Fairfax, VA 22030 (703) 532-3733 FallsChurch Office 6400 Arlington Blvd. #630 Arlington, VA 22042 (703) 532-3733	<ul style="list-style-type: none"> • Pro-Bono (free) legal representation for Protective Orders, custody and child/spousal support cases • Pro-Bono (free) legal advice on family related issues • Referrals to service providers specializing in assisting victims of domestic violence
Opportunities, Alternatives & Resources of Fairfax County (OAR) 10640 Page Avenue, Suite 250 Fairfax, VA 22030 (703) 246-3033	<ul style="list-style-type: none"> • Certified BIP (psycho-educational groups) • Anger Management Program • Community service option for indigent clients • Counseling and referrals • Speakers available • Emergency assistance and case management
Safe Places Residential Program C/O Christian Relief Services 8815 Telegraph Road Lorton, VA 22079 (703) 550-2472	<ul style="list-style-type: none"> • 24 month transitional housing program • Individual case management • Outreach, advocacy and referrals • Age appropriate group counseling
United Community Ministries Journeys Supportive Housing Program 7511 Fordson Road Alexandria, VA 22306 (703) 768-7106	<ul style="list-style-type: none"> • 24 month transitional housing program • Individual case management • Life skills instruction and advocacy • financial assistance to participating families
Victim Assistance Network (VAN) Fairfax/Falls Church Community Services Board South County Center, CSB/Victim Assistance Network, Suite 507, Alexandria, VA 22309 Hotline (703) 360-7273 (24 hours); or TTY (703) 799-8253 (Weekdays only)	<ul style="list-style-type: none"> • Crisis intervention for victims (male or female) • Follow-up counseling and outreach; referrals • Support groups • Prevention education and speakers • Spanish speaking counselors • Professional Consultations
Victim Services Section Fairfax County Police Department 10600 Page Avenue, Fairfax, VA 22030 (703) 246-2141	<ul style="list-style-type: none"> • 24 Hour Someplace Safe • Notification of victim's rights - VA code • Crisis Intervention Services • Court Advocacy and escort • Assistance w/ crime victim's compensation • Educational programs for community groups *Office appointments also available in Culmore Resource Center

<p>Women's Center of Northern Virginia 133 Park Street, NE Vienna, VA 22180 (703) 281-2657</p>	<ul style="list-style-type: none"> • Individual counseling and psychotherapy • Legal and financial education • Support group for separated and divorced women • Separation and divorce services • Career counseling (individual and group) • Community education speakers • Testing
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ASSAULT WARRANT OR PROTECTIVE ORDER?

	Magistrate <u>EMERGENCY PROTECTIVE ORDER</u>	Magistrate/Criminal <u>WARRANT</u>	J&DR Court Intake Officer/Civil <u>PROTECTIVE ORDER</u>
Place to initiate complaint	<ul style="list-style-type: none"> ▪ Fairfax County Adult Detention Center ▪ Mount Vernon Gov. Center ▪ Mason District Police Station ▪ Arlington Magistrate's Office (for Falls Church Residents) 	<ul style="list-style-type: none"> ▪ Fairfax County Adult Detention Center ▪ Mount Vernon Gov. Center ▪ Mason District Police Station ▪ Arlington Magistrate's Office (for Falls Church Residents) 	4000 Chain Bridge Road Fairfax, VA 22030 (Old Courthouse) 703-246-3040 Call to verify eligibility first
Filing time	Approximately 1 hour	Approximately 1 hour	Approximately 2-3 hours.
Eligibility requirements	Must have name, DOB or SS# and address of accused, ID for yourself.	Must have name, DOB or SS# and address of accused, ID for yourself.	See question III2(a) for eligibility requirements.
How is the action served?	Fairfax County Police	Fairfax County Police	Sheriff's Office
Is my spouse/partner arrested after this is issued?	No	Yes, in most cases.	No
How soon after I file is he/she either arrested or served with the Preliminary Protective order?	Usually within 24/48 hours	Usually within 24/48 hours	Two to three days
Can my spouse/partner be ordered to stay away from me before we go to court?	Yes	Yes, bond conditions can require no contact for 72 hours.	Yes
Will the Commonwealth Attorney's Office be representing me if the offender obtains an attorney?	No	Commonwealth Attorney's (CA) may or may not be available to prosecute the case. You may check with the Clerks to locate the CA on duty and approach the Attorney directly.	No, this is a civil matter.
Can my spouse/partner be sent to jail and/or fined for this offense?	No, except if he/she is found in violation of an Emergency Protective Order	Yes	No except if he/she is found in violation of a Protective Order
Can my spouse/partner be ordered to participate in alcohol/drug treatment?	No	Yes, either after being found guilty or as a condition of having the case dismissed in one year.	Yes, after a hearing on the merits.
Can I drop the charges if I change my mind?	No	You must appear on the court date indicated on the arrest warrant and can discuss various options of handling your case with the CA or with J&D Court staff.	No, you must appear in court and tell the Judge if you do not wish to proceed.
Does this action appear on my spouse's/partner's arrest record?	No	Yes	No

